

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KETON HENRY,

Plaintiff,

VERIFIED
COMPLAINT

Case No.: 08CV3465 (BSJ)

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, Capt. John Vasek, Det. Rentas, Det. Michael Garrity
and P.O. WILLIAMS,

Defendants.
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Plaintiff, KETON HENRY her attorney William T. Martin and Associates, as and for
her verified complaint respectfully alleges, upon information and belief, that:

JURISDICTION AND VENUE

1. Venue is properly laid in this Court pursuant to 28 U.S.C. section 1332 and 42 U.S.C. 1983, 1988.
2. The cause of action herein alleged arose in the County of Bronx in the City and State of New York.
3. Prior to the commencement of this action, and within ninety (90) days of the occurrence herein, plaintiff served a copy of the notice of claim upon the defendant City of New York and that action was not settled.

PARTIES

4. Plaintiff, Ketona Henry, is a resident of Bronx County, City and State of New York.
5. At all times hereinafter mentioned defendant, CITY OF NEW YORK, (hereinafter CITY) is a municipal corporation created under and existing pursuant to the laws and

Constitution of the State of New York.

6. At all times hereinafter mentioned defendant, NEW YORK CITY POLICE DEPARTMENT, (hereinafter NYPD) is an agency of the City of New York, and maintains offices for the conduct of business within the Bronx County in the City of New York and State of New York and are charged with the responsibility of law enforcement in the City of New York.

7. At all times hereinafter mentioned defendant, **Capt. John Vasek** is a New York City Police Officers acting under the color and code of the state law and in furtherance of their employment with the NYPD.

8. At all times hereinafter mentioned defendant, **Detective Rentas** was a New York City Police Officers acting under the color and code of the state law and in furtherance of their employment with the NYPD.

9. At all times hereinafter mentioned defendant, **Detective Michael Garrity** was a New York City Police Officers acting under the color and code of the state law and in furtherance of their employment with the NYPD.

10. At all times hereinafter mentioned defendant, **P.O. Williams** is a New York City Police Officers acting under the color and code of the state law and in furtherance of their employment with the NYPD.

STATEMENT OF FACTS

8. The incidents giving rise to this cause of action took place on or about, July 18, 2007 KETON HENRY (hereinafter HENRY) was working for Evergreen Condominiums located on Story Avenue, Bronx, New York as a participant in the Summer Youth Employment Program in the vicinity of 880 Colgate Avenue, in the County of Bronx, City and State of New York.

9. On or about July 18, 2006 Plaintiff HENRY was at his work location waiting for the keys to open up the roof where he was to do some work.

10. Plaintiff HENRY was approached by three (3) male, Caucasian police officers approached HENRY and indicated that they wished to ask him some questions with regard to an incident that occurred on July 7th in the vicinity of White Plains Road in the confines of the 43rd precinct.

11. Plaintiff HENRY was taken to the 43rd precinct and placed in a line-up the same day he was picked up. Subsequent to the line-up he was identified as the perpetrator of the incident that had occurred on White Plains road in the confines of the 43rd precinct.

12. Unbeknownst to HENRY, at that time the defendant WILLIAMS and/or GARRITY showed an eyewitness to the line-up a single photo of the line-up and by their words and conduct indicated to the witness that they had certain information that he was in fact the perpetrator of the earlier incident and that she would be correct in identifying him once she had an opportunity to view the line-up.

13. Upon viewing the line-up and after the single photo was shown to her, she then identified Plaintiff HENRY, who was thereafter formally charged with robbery and taken to Central Booking where he was arraigned and bail set in the amount of one hundred thousand (\$100,000).

14. Plaintiff HENRY was unable to make bail and he stayed incarcerated for eleven(11) months before trial. Approximately a year after his arrest he went to trial on the robbery charges and after two days of deliberations he was acquitted of all charges on July 13, 2007.

15. The defendants acted with a knowing, wilful wanton, grossly reckless, unlawful, unreasonable, unconscionable and flagrant disregard of plaintiff's rights, privileges, welfare and well-being and were guilty of egregious and gross misconduct towards him.

FIRST CAUSE OF ACTION

16. Plaintiff repeats and realleges each and every allegation of paragraph "1 " through "15 " of the complaint as if incorporated and reiterates herein.

17. Defendants CITY and NYPD, **Capt. John Vasek, Det Rentas, Det. Michael Garrity and P.O. WILLIAMS**, instituted a criminal proceeding against plaintiff on about July 18, 2006.

18. Defendants CITY and NYPD, **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, initiated and maintained the prosecution of plaintiff maliciously, negligently and for impermissible purposes.

19. Defendants CITY and NYPD, **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, initiated and maintained the prosecution of plaintiff callously, wantonly and negligently.

20. Defendants CITY and NYPD, **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, were acting within the scope of their employment with the City of New York when they commenced and pursued the prosecution of the plaintiff.

21. By reason thereof, defendants CITY and NYPD, **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, caused plaintiff to be deprived of his liberty for eleven months, and he was made to suffer humiliation and embarrassment, emotional and physical suffering, mental anguish and lost economic opportunity and wages.

SECOND CAUSE OF ACTION

22. Plaintiff repeats and realleges each and every allegation of paragraph "1" through "21" of the complaint as if incorporated and reiterated herein.

23. By reason thereof, defendants CITY, NYPD and **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, all New York City police officers who have violated plaintiff's Federal and New York State constitutional rights and caused plaintiff to be deprived of his liberty, to suffer humiliation and embarrassment, emotional and physical suffering, mental anguish and lost of economic opportunities and wages.

24. As a result of his false arrest and imprisonment, and during the course of his trial it was discovered that the defendants' **Capt. John Vasek, Det Rentas, Det. Michael Garrity and P.O. WILLIAMS**, individually and collectively manufactured evidence against the defendant and intentionally tainted an identification procedure in order to cause plaintiff to be prosecuted for a crime he did not commit.

THIRD CAUSE OF ACTION

25. Plaintiff repeats and realleges each and every allegation of paragraph "1" through "24" of the complaint as if incorporated and reiterated herein.

26. By their actions described herein defendants CITY, NYPD and **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, acted intentionally and with malice aforethought to cause plaintiff extreme emotional disturbance.

27. The actions of the defendants CITY, NYPD and **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, all New York City police OFFICERS who were acting within the scope of their employment, described herein, were

responsible for this reckless, wanton, outrageous conduct which was designed only to harm plaintiff.

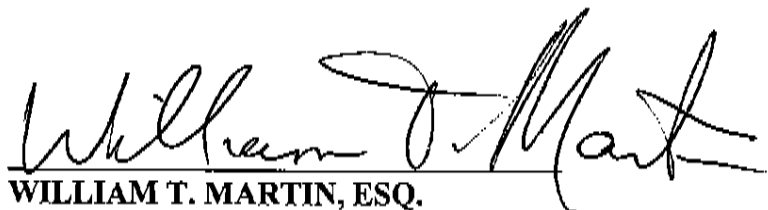
28. By reason thereof, defendants CITY, NYPD and **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, have caused plaintiff to be deprived of his liberty for eleven months on manufactured evidence, which is a violation of his Federal and New York State constitutional rights and to cause him to suffer humiliation and embarrassment, emotional and physical suffering, incarceration, mental anguish and lost of economic opportunities and wages.

DEMAND FOR A JURY TRIAL.

WHEREFORE, plaintiff demands judgement against the defendants CITY, NYPD, **Capt. John Vasek, Det Rentas, Det. Michael Garrity, and P.O. WILLIAMS**, as follows:

- i. Ten million dollars against the defendants jointly and severally.
- ii. Plaintiff hereby demands a jury trial of all issues capable of being determined by a jury.
- iii. Such other relief as the court deems just and proper.

Dated: February 8, 2007
Brooklyn, New York



WILLIAM T. MARTIN, ESQ.

Attorney for plaintiff,

KETON HENRY

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Brooklyn, New York 11201

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KETON HENRY,

Plaintiff,

ATTORNEY'S
VERIFICATION

Case No.: 08CV3465(BSJ)

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, Capt. John Vasek, Det Rentas, Det. Michael Garrity
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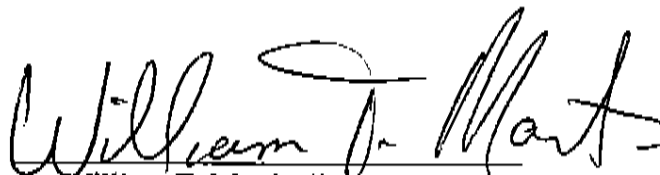
Defendants.
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WILLIAM T. MARTIN, an attorney duly admitted to practice law before all the Courts of the State of New York and elsewhere hereby affirms, under penalties of perjury:

That he is the attorney for the plaintiff in the within action; that he has read the foregoing **Summons and Complaint** and knows the contents thereof; that the same is true to his own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true and the reason that their verification is not made by plaintiff and is made by deponent is that the plaintiff is not presently in the County where the attorneys have their office.

Deponent further says that the reason their **Summons and Complaint** is verified by the attorney rather than the plaintiff, is because your plaintiff is currently out of the County.

Dated: Brooklyn, NY
February 7, 2008


William T. Martin, Esq.